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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rudi Pauwels
Christiaan Roelant
Koenraad Van Ackler

Serial No.: 09/530,907

Filed: June 30, 2000

For: **METHOD FOR THE RAPID
SCREENING OF ANALYTES**

§
§ Group Art Unit: 1627
§
§ Examiner: M.E. Garcia
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§ Atty. Dkt. No.: TIBO:002
§ 13468.0002.NPUS00
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§ §371 filing of PCT/IB98/01399
§ Filed Sept. 8, 1998
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**RESPONSE TO RESTRICTION/ ELECTION REQUIREMENT
DATED APRIL 24, 2002**

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Restriction/Election Requirement dated April 24, 2002 for which the date for response was May 24, 2002. A request for a one-month extension of time is enclosed herein and will bring the date for a response to **June 24, 2002**.

Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/13468.0002.NPUS00.

Restriction Requirement

The Examiner has required Applicants to elect a single invention from the following groups:

- I. Claims 1-36 and 38-41, drawn to a method for the rapid screening of analytes;
- II. Claims 42-52, drawn to a device for dispensing liquid; and
- III. Claims 53-62, drawn to a method of dispensing liquid.

Applicants hereby elect, with traverse, to prosecute the Group I claims, i.e., claims 1-36 and 38-41, drawn to a method for the rapid screening of analytes.

Election Requirement

The Examiner has required Applicants to elect one species from each subgroup below:

Species of solid support Applicants are required to elect, for purposes of search, a specific species of solid support. Applicants hereby elect a polymer solid support. Claims 1-14, 17, 19, 22-36 and 38-41 read on a polymer support. Claims 1-9, 11-14, 17, 19, 22-36 and 38-41 are generic with respect to a polymer support. Claim 10 is specific for a polymer support.

Species of analyte Applicants are required to elect, for purposes of search, a specific species of analyte to be screened. Applicants hereby elect chemical compounds. Claims 1-36 and 38-41 read on a chemical analyte. Claims 1-28, 33-36 and 38-41 are generic with respect to a chemical analyte. Claims 29-31 are specific for a chemical analyte.

Species of semi-solid or liquid medium Applicants are required to elect, for purposes of search, a specific species of semi-solid or liquid medium. Applicants hereby elect a liquid medium. Claims 1-7, 9, 10, 15-21, 24-36 and 39-41 read on a liquid medium. Claims 1-7, 9, 10, 15-21, 24-36 and 39-41 are generic with respect to a liquid medium. Claim 1 is specific for a liquid medium.

Species of target Applicants are required to elect, for purposes of search, a specific species of target. Applicants hereby elect eucaryotic cells. Claims 1-36 and 38-41 read on eucaryotic cells. Claims 1-32, 36 and 38-41 are generic with respect to eucaryotic cells. Claims 33-35 are specific for eukaryotic cells.

Regarding the Restriction Requirement

As the Examiner correctly notes in the Office Action, the unity of invention of the claims of an application filed under 35 U.S.C. § 371 should be evaluated according to PCT rules. Applicants respectfully direct the Examiner to 37 C.F.R. § 1.475(b)(4), as reproduced in item 12 of the Office Action, which states that claims to different categories of invention will be considered to have unity of invention if the claims are drawn to a process and an apparatus or means specifically designed for carrying out the said process. As the Examiner points out, unity of invention has to be considered in the first place only in relation to the independent claims in an international application.

Claim 53 is directed to a process for dispensing liquid from an array of containers onto a support by positioning an array of containers into a housing so that a first end of each container is contained in an area of the housing and a second end of each container

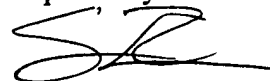
is positioned externally of the housing; positioning a support externally of the housing and relative to the second ends of the containers; and creating a pressure differential between the area and the exterior of the housing so that the containers dispense liquid onto the support. Claim 42 is directed to an apparatus specially adapted for carrying out this process. These two independent claims, defining groups III and II respectively, for the purpose of determining unity of invention, clearly define a combination of categories according to 37 C.F.R. § 1.475(b)(4). Applicants therefore respectfully request that the Examiner acknowledge unity of invention with respect to groups II and III.

Applicants respectfully direct the Examiner's attention to the attached International Preliminary Examination Report that was drawn up for the corresponding PCT application while it was in Chapter II. The International Preliminary Examination Report was drawn on the basis of amended claims attached thereto. Applicants specifically direct the Examiner's attention to attached claim 38, which contains essentially the same elements as instant claim 42. Applicants note that claim 38 was deemed to have unity with the other claims examined in the International Preliminary Examination Report. Though the instant application entered the United States national phase prior to International Preliminary Examination, the attached report is none the less evidence of unit of invention between Groups I and II. As shown above, Groups II and III share unity. Applicants therefore respectfully request that the Restriction Requirement be withdrawn for instant Groups I, II and III.

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The Examiner is invited to contact the undersigned patent agent with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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Date: June 13, 2002